

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

EVERETT W. WHISMAN, et al. : **Case No. C-1-02-406**

Plaintiff, : **Judge Beckwith**

:

v. :

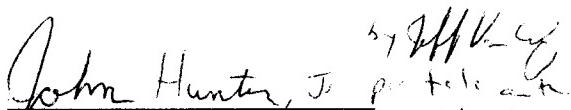
FORD MOTOR COMPANY et al. :

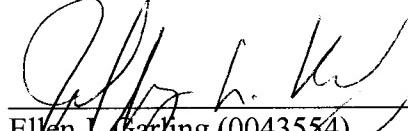
Defendant. :

DEFENDANTS' JOINT MOTION FOR EXTENSION OF
TIME TO FILE REPLY BRIEF

Now come Defendants, by and through counsel, and respectfully request that the Court extend the time for Defendants to file reply briefs in support of their respective Motions for Summary Judgment from December 30, 2003, until January 9, 2004. Defendants do not anticipate that this extension will affect the trial schedule in this case. Defendants have contacted counsel for Plaintiffs and have been advised that Plaintiffs will oppose this extension. Given that this is a time-sensitive matter, Defendants respectfully request that the this Motion be heard on an expedited basis.

Respectfully submitted,


John J. Hunter, Jr. (0034602) 12/18/03
HUNTER & SCHANK CO., LPA
One Canton Square
1700 Canton Avenue
Toledo, OH 43624
(419) 255-4300
(419) 255-9121 (fax)


Ellen J. Garling (0043554)
BAKER & HOSTETLER LLP
65 East State Street
Suite 2100
Columbus, OH 43215
(614) 228-1541
(614) 462-2616 (fax)

Attorney for ZF Batavia LLC

egarling@bakerlaw.com

and

Jeffery L. VanWay (0069175)
BAKER & HOSTETLER LLP
312 Walnut Street, Suite 3200
Cincinnati, Ohio 45202-4074
(513) 929-3400 telephone
(513) 929-0303 facsimile
jvanway@bakerlaw.com
Attorneys for Defendant
Ford Motor Company

MEMORANDUM IN SUPPORT

Dispositive motions in this case were originally due to be filed on November 7, 2003. Due to the then-impending birth of Plaintiffs' counsel's child, and for the convenience and upon the request of the parties, this deadline was moved to November 21, 2003. On November 21, 2003, Defendants both filed Motions for Summary Judgment. Plaintiffs' Memorandums in Opposition were originally due on December 15, 2003. Upon Plaintiffs' request, this deadline was extended by one day, and Plaintiffs filed their manual responses on December 16, 2003.

Both Ford and ZFB will be shut down for significant periods over the holidays. For example, ZFB ceases production after December 23, 2003, and does not resume normal production until January 5, 2004. Likewise, Ford's facilities, including its corporate offices, will be shut down for the holidays. Due to the current schedule and the impending shutdown periods, it will not be feasible for counsel for Ford and ZFB to obtain assistance and review from their clients during this period, and counsel need to obtain such assistance and review in order to file Defendants' respective reply briefs. In addition, counsel for ZFB will be out of the country over the holidays, and counsel for Ford will be out of the country for part of the holiday season.

For all of these reasons, Defendants jointly request that the reply brief deadline be extended by ten days from December 30, 2003 to January 9, 2004. Defendants do not anticipate that this extension will affect the trial schedule in this case, as there is not a firm trial date at this point and the final pretrial conference is not scheduled until April 8, 2004.

Defendants have contacted counsel for Plaintiffs and have been advised that Plaintiffs will oppose this extension. Given that this is a time-sensitive matter, Defendants respectfully request that the this Motion be heard on an expedited basis.

Respectfully submitted,

John Hunter Jr. / 12/18/03

John J. Hunter, Jr. (0034602) 12/18/03
HUNTER & SCHANK CO., LPA
One Canton Square
1700 Canton Avenue
Toledo, OH 43624
(419) 255-4300
(419) 255-9121 (fax)

Attorney for Defendant
ZF Batavia LLC

J. W. VanWay

Ellen J. Garling (0043554)
BAKER & HOSTETLER LLP
65 East State Street
Suite 2100
Columbus, OH 43215
(614) 228-1541
(614) 462-2616 (fax)
egarling@bakerlaw.com

and

Jeffery L. VanWay (0069175)
BAKER & HOSTETLER LLP
312 Walnut Street, Suite 3200
Cincinnati, Ohio 45202-4074
(513) 929-3400 telephone
(513) 929-0303 facsimile
jvanway@bakerlaw.com
Attorneys for Defendant
Ford Motor Company

CERTIFICATE OF SERVICE

This shall certify that a true copy of the foregoing Motion was filed electronically with the CM/ECT system which will serve notice electronically to all parties. In addition, a copy has been sent to Stephen A. Simon, attorney for Plaintiffs, 22 West Ninth Street, Cincinnati, Ohio 45202, by regular U.S. mail, postage prepaid on this 18th day of December, 2003.

J. W. VanWay